



**REGULAR BOARD MEETING
University Park Plaza
Conference Room A – 4TH Floor
2829 University Avenue S. E.
Minneapolis, Minnesota 55414**

Minutes

July 17, 2009

- Members Present:** Christine Black-Hughes, LICSW
David Hallman, LSW, Chair
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Mary Casey Ladd, LICSW
Kenneth Middlebrooks, Public Member, Vice Chair
Carol Payne, LSW
Ruth Richardson, Public Member
Tamerlee Ruebke, LSW
Beverly Ryan, LISW
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member
- Member Absent:** David Sandry, Secretary-Treasurer
- Staff Present:** Louis Hoffman, Director of Compliance
Michelle Kramer-Prevost, LGSW, Staff Social Worker
Brenda Mammenga, Recording Secretary
Sheryl McNair, LICSW, Assistant Director
Connie Oberle, Office Manager
Kate Zacher-Pate, LSW, Executive Director

1. PROPOSED AGENDA [Attached]

Chair Hallman called the meeting to order at 9:10 a.m.; a quorum was present. The Board unanimously approved the agenda.

2. MINUTES FOR MAY 15, 2009 MEETING [Attached]

Black-Hughes commented on the excellent report Wilcoxon made to the Board regarding the Licensing Study Committee's recommendations to the Legislature on how to increase the numbers of licensed social workers serving underserved communities and culturally and ethnically diverse communities. Black-Hughes said child welfare is better proportioned in this state than any other field of practice. For example, fourteen counties do have shortages of licensed social workers in child welfare, but 87 counties have shortages for developmental disabilities and mental health.

McNair noted two corrections to the May 15, 2009 minutes: 1) on page 12, section F., on the last line under "Recommendation #1", the word "Revenue" should be added before the word "Fund", and 2) on page 13, under the last bullet point of section K., the word "health" should be added before the word "work". The Board unanimously approved the May 15, 2009 minutes as amended.

3. MINUTES FOR MAY 27, 2009 MEETING [Attached]

Hallman thanked the Board members who attended the Special Board meeting on May 27. The Board members who were in attendance at the May 27, 2009 Board meeting unanimously approved the minutes.

[Wilcoxon arrived at the meeting at 9:25 a.m.]

4. EXECUTIVE SESSION [Closed to the Public at 9:30 a.m.] *[The meeting was open to the public at 9:50 a.m.]*

5. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate noted the report was included in the packet mailed to Board members and asked if there were any questions. She then reported the following:

- A. Strategic Plan Status Report [Attached]
 - Staff has created three working teams to prioritize and organize the internal policies and procedures initiatives in the Board's Strategic Plan Report. The teams will assess communications, records and files, and streamlining processes.
- B. Executive Director Work Plan/Goals for 2009 and 2010
 - A work plan and goals were included as part of the Executive Director's Performance Appraisal reviewed by the Board in March 2009. The following goals were identified and will be integrated into the Strategic Plan Status Report, including goals the Board determines important.

- 1) Enhance online and IT services and capabilities; public information (Target date: current to end of 2009)
 - 2) Continue implementation of Board Strategic Plan (Target date: current to end of 2009 and beyond)
 - 3) Implement 2007 and 2009 Legislation (Target date: 2009 & 2010)
 - 4) Continue working on legislative proposal to modify county exemptions: (Target date: ongoing for 2011)
 - 5) Continue work on Jurisprudence Exam (Target date: 2010)
- C. Fee Decrease Implementation
- The July 1, 2009 10% licensing fee decrease has been implemented.
- D. FY 2009 Budget Status and Purchases
- June 30 was the end of the second fiscal year in the biennium and July 1 begins the next biennium and fiscal year 2010. In anticipation of decreased revenues in the next biennium, and because revenues exceeded expenses once again, supplies and equipment were purchased. Two brochures were designed internally by Jessica Schultz, our new office assistant, who is very talented with Microsoft Publisher.
- E. Electronic Document Management (EDM)
- Work continues on record/file management and internal testing will begin shortly. Also, electronic Compliance Committee records and meetings will begin in September.
- F. Notice to Licensees regarding 2009 Legislation
- By the end of August, a postcard notice will be sent to licensees about the 2009 Legislation, and they will be directed to the website for detailed information.
- G. Council on Licensure, Enforcement and Regulation (CLEAR) Online Board Member Training [Attached]
- The funding authorization and registration is in process for Board members and staff to participate in this online training.
 - Board members that have not attended ASWB's new Board member training will have the opportunity to participate in this training.
- H. Statistics [Attached]
- Online renewals are near 70%, which is the highest amount to date.
- Zacher-Pate made the following comments:
- Formal thank you letters were sent to the Legislators who assisted the Board in the last session. The recipients include

Representatives Abeler, Clark, Hosch, Murphy, and Thao, and Senators Berglin, Erickson Ropes, Koering, and Prettnner Solon.

- Annie Paruccini, the Governor's former Appointment Secretary, has taken a position in Washington, D.C. John Hultquist is now in this position.
- Applications for Board member reappointments are due in September.

Wilcoxon commented that it is important that diversity training for Board members be done soon. Zacher-Pate agreed.

6. COMPLIANCE COMMITTEE: Hallman [No cases for review; Statistics attached]

- Hoffman reported there were no significant changes in compliance statistics. Approximately one-half of the cases are three months old or less, about two-thirds of the cases are six months old or less, and about three-quarters of the cases are one year or less, leaving eight cases that are a year or older. Of the older cases, four are being investigated by the Attorney General's Office, one was reviewed at yesterday's Compliance Committee meeting after an A.G. investigation, and the others are resulting in either an investigative conference or educational meeting. The last case is set to be heard before an Administrative Law Judge.
- As of July 6, there were 44 open cases, and last week about six more cases were opened.
- At yesterday's Compliance Committee meeting 18 cases were reviewed. Nine cases were dismissed, one will result in a reprimand, three will result in educational meetings, and one is being scheduled for an Administrative hearing and was mentioned previously. The six cases that arrived after the Board mailing will be discussed by the committee after today's Board meeting.
- The Compliance Committee is being restructured into two Compliance Panels, A and B, and will be effective by the September Compliance Committee meeting. Panel A members include Hallman, Ladd, Johnson, and Kovach and Panel B include Middlebrooks, Payne, Ryan, and Stratig.
- On September 17 Panel A will meet in the morning and, tentatively, there will be three educational meetings. Both panels will meet at 1:30 and will receive new lap tops and be asked to sign a user agreement. Training will be provided and the lap tops may be used for Panel B's October Compliance Committee meeting.

7. REVOCATION OF CONTINUING EDUCATION PROVIDER STATUS:

McNair [Attached]

McNair reported an approved Continuing Education Provider (CE Provider) did not comply with the Board's request to submit documentation required for a CE audit. This is the first time a provider has not complied with an audit, and the Board is being asked to set a precedent in this matter as set out in Minnesota Statutes, Section 148 D.170. The statute gives the Board authority to revoke the approval of a CE Provider based on non-compliance with the audit process.

Per consultation with the Board's A.G., Nathan Hart states: "The Board has the statutory authority to: 1) deny any future application for approval submitted by this CE Provider, unless and until the CE Provider satisfactorily responds to the audit; and 2) revoke the approval for all programs offered by the CE Provider during the period in which the CE Provider was approved."

In regard to Minnesota Statute Section 148D.170 which gives the Board the authority to audit approved Continuing Education Providers, a motion was made by Wilcoxon, and seconded by Ladd, to revoke the first Continuing Education Provider approved status based on non-compliance with a Continuing Education Provider audit request; to deny any future application for approval submitted by this CE Provider, unless and until the CE Provider satisfactorily responds to the audit; and to designate authority to Board staff to continue with this precedent in the future. The motion carried unanimously.

8. MN DEPARTMENT OF HEALTH – Office of Rural Health & Primary Care, Workforce Study Draft Survey: Zacher-Pate [Distributed]

Zacher-Pate updated the Board about its agreement to work with the Minnesota Department of Health (DOH), Office of Rural Health & Primary Care (ORHPC), to develop a work assessment/work shortage survey.

- Jill Meyer from the Department of Health provided information at the May Board meeting about the workforce shortage surveys the ORHPC was conducting with other professions in Minnesota. Over the past decade dentists, nurses, and physicians have conducted surveys. It is believed the state's policy makers also need information about whether there are workforce shortages in the mental health arena. Therefore, Meyer asked the Board to assist in their survey efforts and, at the same time, the Board had begun revisiting the recommendations from the Licensing Study Committee to the Legislature which include doing additional research in this area.
- Zacher-Pate has met with Meyer and they have begun drafting a 2-page survey which will be available for renewals completed online or on paper. The first page is standard information requested by the DOH, and there is a limitation as to the information that the Board may

gather. Zacher-Pate said she would appreciate comments about the survey, which the Board will begin using in January 2010.

9. MN 2009 SESSION LAWS, Chapter 80 [13D.015, Meetings by Telephone or Other Electronic Means]: Zacher-Pate [Attached]

Zacher-Pate reported the following:

- The Open Meeting Law was changed at the last legislative session which approved using telephones to conduct Board, committee, and task force meetings, provided that specific conditions are met. For example, off-site Board members would be permitted to vote by telephone and would be considered to establish a quorum.
- Board By-laws and policy will need to reflect this change, and the new law was discussed at the Executive Directors' forum with legal counsel present. Since it would be difficult to control phone lines, it would be prudent to omit telephone use during executive or closed sessions of Board meetings because of confidential data.

The Executive Committee made the recommendation to change the Board By-laws, in accordance with the revisions to Part 4. Meetings, Section G., Meetings via Phone and Interactive Television. The Board unanimously approved the recommendation.

10. LUNCH: 11:35 – 12:15

11. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon, Kovach [To be distributed]]

Kovach attended the meeting in Wilcoxon's absence and reported the following:

- Zacher-Pate gave the committee an overview of the May Board meeting and a legislative update.
- The Mental Health Rule Advisory Work Group was in attendance and presented a list of issues they are working on.
- The Supervision Task Force discussed the changes in licensing supervision.

B. ASWB: Middlebrooks

- Middlebrooks reported the next ASWB conference is the 2009 Annual Meeting of the Delegate Assembly at the end of October.

C. Compliance Education Outreach Committee: Wilcoxon

- Wilcoxon reported the committee will present at the St. Louis County Health and Human Services Conference in Duluth in October.

- Hoffman said he presented at DHS recently and that he, Kramer-Prevost, Ladd, and Wilcoxon will be presenting or working at an informational booth at the St. Louis County Conference on October 10.
- D. Council of Health Boards: Kassekert
- Kassekert reported the committee has not met and there is no report.
- E. Executive Committee: Hallman
- Hallman reported the committee met yesterday and the travel policy was discussed.

The Executive Committee made the recommendation to the Board to apply the Minnesota Management & Budget December 20, 2008, Travel Expenditure Policy. The Board unanimously approved the recommendation.

- Zacher-Pate said the travel/conference policy clearly sets travel restrictions and states that travel must be essential.

The Executive Committee made the recommendation to the Board to approve Zacher-Pate's participation in the Council on Licensure Enforcement and Regulation's Executive Leadership Program for Regulators and Annual Conference meeting September 7-12 in Denver, Colorado. The Board unanimously approved the recommendation.

- F. Finance Committee: Sandry [Attached]
- Hallman reported in Sandry's absence that biennium revenue was 105% over predictions and annual revenue is at 112%.
 - No information has been received on the transfer to the General Fund or the e-licensing surcharge.
 - Zacher-Pate reported the Board continues to decrease expenditures, and ASU confirmed the Board will have \$135,000 less revenue each fiscal year based on the planned 10% fee decrease.
 - In regard to the e-licensing surcharge, OET has directed the Boards to give them exact numbers each month about renewal and new licenses issued by the Board. It is estimated that approximately \$100,000 will be transferred from the Board's State Government Special Revenue Fund in FY 2010.

Conference attendance recommendations:

A motion was made by Wilcoxon, and seconded by Kovach, approving Richardson's attendance at the Citizen Advocacy Center's conference on October 28-30, 2009 in Lake Buena Vista, Orlando, Florida. The motion passed unanimously.

A motion was made by Black-Hughes, and seconded by Kovach, approving Middlebrooks as delegate, Stratig as alternate delegate, Zacher-Pate, and one staff member to attend ASWB's Annual Meeting on October 29-31, 2009 in Clearwater Beach, Florida. The motion passed unanimously.

A motion was made by Kassekert, and seconded by Johnson, approving Ladd's attendance at the Council on Licensure, Enforcement and Regulation's conference on September 10-12, 2009 in Denver, Colorado. The motion passed unanimously.

Black-Hughes, Johnson, Kovach, Payne, Richardson, and Stratig would like to attend ASWB's New Board Member Training in March. The Board will select one Board member to attend the Federation of Associations of Regulatory Board's Conference on January 29-31, 2010 in Las Vegas, Nevada, at the September Board meeting.

G. HPSP: Kassekert

Kassekert reported the Program Committee met on May 19 and the following was discussed:

- Spending is within projected levels and the 2010-11 biennium will have the same operating budget.
- The Funding Task Force has requested an A.G. opinion regarding combining funding from the Special Revenue Fund with private money.
- This Board had 8 referrals from 7/1/08 through 4/15/09: 3 voluntarily by board referral, 2 self-referrals, and 3 third-party referrals.
- The security report shows that the database is secure, and the quality improvement project has begun.

H. Legislation & Rules Committee: Ladd

- Ladd reported the Committee has nothing to report.

I. Legislative Task Force: Middlebrooks

- Middlebrooks reported the committee met last evening.
- Zacher-Pate reported the Hennepin County Social Work staff contacted the Board regarding: 1) being prepared for the new clinical standards which go into effect in 2011; 2) the effect of

budget cuts in the public sector and social workers being prepared to enter the private sector; and 3) LICSW's who now have to be licensed in order to receive third-party reimbursement.

- There have been three meetings: 1) with training staff regarding the new 30 hour training requirement for licensed supervisors, increased supervision, and continuing education; 2) with approximately 60 social work staff, an AFSCME Union representative, and 5 Human Resource staff; and 3) with the Hennepin County Supervisor's Association.
- A Senate Majority Research Staffer, who is an MSW Graduate from the University of Minnesota, contacted Zacher-Pate on behalf of a constituent in Senator Katie Siebens' district, who was very concerned that county social workers are not licensed and felt there is no accountability for unlicensed county social workers. Zacher-Pate provided information about current licensing exemptions and the activities of the Board's Legislative Task Force.
- Middlebrooks said there was discussion about licensing Native Americans, and Stratig said there will never be a requirement to license Native American social workers because of their sovereign status. Stratig said her contacts are willing to explore including Native Americans in grandparenting and appreciates the fact that the Board would include the tribes. The Advisory Council to the state meets in August and Stratig's contact will ask council members if they would like to explore licensure as a group. The Task Force may want to see if it can get on the October meeting agenda.
- Middlebrooks said the Task Force will meet the third Thursday of every month from 5:30 – 7:00 p.m., and he extended an invitation to anyone who would be interested in becoming involved on the committee. Richardson is the newest member.
- The committee will prepare a proposal to the Board in July 2010 in order to be ready for the 2011 Legislative session.

J. Licensing Study Committee: Wilcoxon

- Wilcoxon reported there are no scheduled meetings, but she and Zacher-Pate have discussed inviting members of the Licensing Study Committee, the Advisory Committee, and the associations who participated on the committee the past year to meet with the Legislators. Wilcoxon also said she is interested in the Legislature's response to the committee's report and recommendations regarding the Board's report.
- Wilcoxon referred to the Board's report and recommendations to the Legislature on December 15, 2008:
- Recommendation #1: Introduce Legislative Proposal to Reduce Licensing Fees, which the Legislature passed.

- Recommendation #2: Implement Increased Data Collection Efforts.
- Recommendation # 3) Address Statewide Licensing Barriers and Increase Representation from Persons from Ethnically, Racially, and Culturally Diverse Groups.
- Recommendation #4: Introduce Legislative Proposal for Limited Practice License.
- Recommendation #5: Continue Efforts to Modify Minnesota Public Sector Exemption for Social Workers.
- Recommendation #6: Develop and Implement Increased Public Education Outreach Efforts.
- Recommendation #7: Develop and Implement Increased Collaboration with Stakeholder Groups.
- Recommendation #8: Reduce Barriers to Licensing.
- Recommendation #9: Address Issues and Barriers Experienced by Underserved Communities in Greater Minnesota, Including Rural Minnesota.
- Recommendation #10: Provide Incentives for Persons Licensed as Social Workers.
- Zacher-Pate said she informed Senator Marty's staff person that she would ask which Board members would be interested in meeting with Senators Marty and Erickson Ropes about the recommendations.
- Black-Hughes commented that if MCSWE will be included in these recommendations, MCSWE will be having its annual meeting at the end of September. Black-Hughes recommends that MCSWE President, Megan Morrissey, be notified to determine a method to present information to MCSWE.
- Wilcoxon asked Board members to contact her within the next week about scheduling a meeting with the Senators, the associations, and community members, and possibly this meeting could occur as part of the September Board meeting.

K. Nominating Committee: Sandry

- Hallman reported the committee did not meet, and new Board officer appointments will be discussed at the September meeting.

L. OMHP: Black-Hughes

- Black-Hughes asked Zacher-Pate to report on the program, and she reported the office did sunset on June 30, 2009.
- As OMHP's administrative entity, BOSW staff inventoried its records. The Minnesota Historical Society will be contacted about archiving OMHP's program, organization, financial, and electronic records.
- OMHP's equipment will be reallocated to the BOSW as it was the host agency.

- The open case files that were with the Attorney General's Office and OMHP were closed, and individuals were notified of the office's sunsetting. Individuals who entered into orders with OMHP were informed that their orders were null and void.
- The OMHP website and telephone have been discontinued.
- There are approximately \$140,000 in excess funds that will be transferred back to the Special Revenue Fund.
- Zacher-Pate thanked Oberle, Hoffman, and Schultz for their work in closing the OMHP office.

12. PUBLIC COMMENT

Hallman asked if there was any public comment, and there was none.

13. OTHER BUSINESS

Hallman asked if there was any other business, and there was none.

14. ROUNDTABLE

- Hallman thanked everyone for their public service, and he thanked Wilcoxon for chairing today's hearing.
- Ryan commented she is happy the county exemption issue is still on the table and ongoing.
- Ladd expressed her appreciation for the Board, staff, and public colleagues, and Wilcoxon agreed.
- Oberle asked that any outstanding expenses occurring prior to June 30, 2009 be submitted immediately in order to be paid.
- Black-Hughes commented that about 9% of applicants identify their race when taking the licensing exam. She asked if the Board could discuss hiring a statistician to collect information on this issue which could be presented to ASWB in conjunction with ethnicity and the pass/fail rate of the exams.
- Wilcoxon commented that the Legislature did not provide funding for the Board when it passed the licensing study mandate. She believes funding and continued research are needed, because demographics are changing and there are workforce shortages.

15. ADJOURN

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Sandry", with a stylized flourish at the end.

David Sandry
Secretary-Treasurer